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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 THE NEW YORK CITY EMPLOYEES'
15 RETIREMENT SYSTEM, *et al.*,

16 Plaintiffs,

17 v.

18 LISA C. BERRY,

19 Defendant.
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Case No. C 08-0246-JW

STIPULATION AND [PROPOSED]
ORDER REGARDING
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE
AND DEFENDANT LISA C. BERRY'S
RESPONSE TO COMPLAINT

1 This stipulation is entered into by and among lead plaintiff The New York City
2 Pension Funds (“Plaintiffs”) and defendant Lisa C. Berry (“Defendant”).

3 WHEREAS, on January 14, 2008, the Plaintiffs filed a putative class action titled
4 *The New York City Employees’ Retirement System et al. v. Berry*, C-08-0246-MHP (N.D. Cal.)
5 (the “Berry Action”);

6 WHEREAS, pursuant to Civil L.R. 3-12, a Related Case Order was entered and on
7 February 25, 2008, the Berry Action was reassigned to Judge Ware, who is presiding over *In re*
8 *Juniper Networks, Inc. Securities Litigation*, C-06-04327-JW (N.D. Cal.) (the “Consolidated
9 Action”);

10 WHEREAS, on March 5, 2008, the Court approved the parties’ joint stipulation to
11 extend Defendant’s time to respond to the Berry Complaint until after the Court ruled on certain
12 defendants’ motion to dismiss in the Consolidated Action;

13 WHEREAS, on April 24, 2008, the parties filed a stipulation and proposed order
14 to further extend Defendant’s deadline to respond to the Berry Complaint and related briefing
15 schedule in light of pending discussions regarding mediation of the claims;

16 WHEREAS, by Order entered April 25, 2008, the Court continued Defendant’s
17 deadline to respond to the Berry Complaint to June 16, 2008;

18 WHEREAS, the parties have agreed to mediate the claims and plan to participate
19 in mediation in the next few months;

20 WHEREAS, by stipulation and order dated May 14, the Court directed the parties
21 to advise the Court by August 14, 2008 as to the deadline to complete mediation;

22 WHEREAS, in light of the foregoing, the parties believe it will conserve the
23 resources of the Court and the parties if the case management conference currently scheduled for
24 June 2, 2008 is continued until August 14, 2008, or another date that is convenient for the Court,
25 and Defendant’s deadline to respond to the Berry Complaint is continued until September 15,
26 2008, to allow the parties to continue with their settlement discussions and the planned mediation;

27 ///

28 ///

1 NOW THEREFORE Plaintiffs and Defendant jointly submit this proposed order to
2 the Court to continue the case management schedule currently scheduled for June 2, 2008 until
3 August 14, 2008, or another date that is convenient for the Court, and to continue the deadline for
4 Defendant to file a response to the Berry Complaint to September 15, 2008.

5 Dated: May 20, 2008

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8 NANCY E. HARRIS
9 REBECCA F. LUBENS
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11 /s/ REBECCA F. LUBENS

12 REBECCA F. LUBENS
13 Attorneys for Defendant
14 Lisa C. Berry

15 Dated: May 20, 2008

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Orrick hereby attests that it has obtained approval for any signatures indicated by "/s/" within this e-filed document.

~~PROPOSED~~ ORDER

Pursuant to the parties' Stipulation and to accommodate the parties' settlement efforts, the Court continues the Case Management Conference presently scheduled for **June 2, 2008** to **September 8, 2008 at 10 a.m.** On or before **August 29, 2008**, the parties shall file a Joint Status Report to update the Court on the parties' settlement efforts.

In addition, Defendant Berry's deadline to respond to the Complaint is extended to **September 15, 2008.**

Dated: May 28, 2008



JAMES WARE
United States District Judge